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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.638 OF 2004
WITH
CIVIL APPLICATION NO.676 OF 2004

Gangubai Vithal Naikade ...Appellant/ Applicant

V/s.

The Municipal Corporation of the City of Pune ...Respondent

Ms.Leena Patil, Advocate, i/b. M.S. Karnik, for the Appellant-Applicant.

Mr.R.S. Khadapkar, Advocate, for the Respondent.

CORAM : ABHAY S. OKA, J.

DATE : 23RD NOVEMBER, 2007.

P.C.:

1. The learned Advocate for the appellant, on instructions of the appellant, seeks permission to withdraw the Appeal with liberty to file application for regularization of the suit structure with the appropriate authority.

2. Appeal is accordingly dismissed as withdrawn. Notwithstanding the dismissal of the Appeal, it will be open for the appellant to apply for regularization of the suit structure by filing appropriate application before the concerned authority. The said

application shall be decided in accordance with law.

3. To enable the appellant to take appropriate steps, ad-interim order passed on 20-4-2004 will continue to operate for a further period of ten weeks from today.

4. In view of dismissal of the Appeal, the Civil Application does not survive and the same is disposed of.

5. Parties to act upon the authenticated copy of this order.

[ABHAY S. OKA, J.]